

ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

FINDINGS OF FACT

City Council Bill No: 21-0053

MOTION OF THE CHAIR OF THE ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE, AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO SECTIONS 10-304 AND 10-305 OF THE MARYLAND LAND USE ARTICLE AND SECTION 5-508 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING THE REZONING OF:

Rezoning - 4207-4209 Menlo Drive

Upon finding as follows with regard to:

(1) Population changes;

While the 2020 Census data is still being compiled, the 2018 ACS 5-Year Estimates projected an approximate population growth of 400 people, up from 3,421 in the 2010 census. The proposed OIC zoning designation will provide a necessary service for the neighborhood's growing population.

(2) The availability of public facilities;

The area is well-served by public utilities and services and no negative impacts are expected as a result of rezoning the Property.

(3) Present and future transportation patterns;

The Reisterstown Station neighborhood is a transit hub with a major metro stop and an abundance of bus routes. The rezoning of the Property from I-1 to OIC would not impact the area's transportation patterns.

(4) Compatibility with existing and proposed development for the area;

The proposed rezoning is consistent with the existing character of the neighborhood and the Pimlico Race Track and upcoming Maryland Department of Transportation's 26-acre redevelopment projects. A photo of the property, as shown in Exhibit B of the attached written testimony from Ms. Caroline Hecker, reflects the fact that the existing structure is of a type that could be used for uses other than strictly industrial uses, and the proposed rezoning would allow other appropriate uses in this area.

- (5) The recommendations of the City agencies and officials, including the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

The Planning Commission voted unanimously to disapprove passage of the bill. BMZA deferred to the Planning Commission. The City agencies to which the bill was referred made the following recommendations:

Planning Commission	Disapproved
Board of Municipal and Zoning Appeals (BMZA)	Defers to Planning
Department of Transportation	No Objection
City Solicitor	Favorable with Findings of Fact
Department of Housing and Community Development	Defers to Law Department
Baltimore Development Corporation	Opposed
Finance	Defers to BMZA and Planning Commission

- (6) The proposed amendment's relationship to and consistency with the City's Comprehensive Master Plan.

The proposed rezoning will support the Comprehensive Plan by supporting its goal of retaining and attracting businesses in growth sectors by permitting the Property to provide a service which will support surrounding residents and employees. This proposed rezoning will also address equity concerns to provide increased access to services to the area beyond what the current zoning designation permits.

- (7) Existing uses of property within the general area of the property in question;

While there are some industrial uses in close proximity to the Property, there are also a number of religious institutions, carry-out food facilities, and there is a large office complex. The varied surrounding uses including the office complex make the Property more compatible with the transitional OIC zoning designation.

- (8) The zoning classification of other property within the general area of the property in question;

The Property is located within one-block of commercially zoned properties, within three-blocks of residentially zoned properties, and within three blocks of both OIC and

TOD zoned properties. The diversity of the surrounding zoning classifications exemplifies the Property's need for transitional zoning.

- (9) The suitability of the property in question for the uses permitted under its existing zoning classification;

The Property is not suited for the uses permitted under its existing I-1 zoning, which severely restricts the number and type of uses that could be authorized at this site. As a result, the Property has been vacant for some time.

The Property is located in an area with diverse uses and diverse zoning classifications. The OIC zoning designation would fulfill the needs of the neighborhood by providing the opportunity for a broad array of uses in support of the surrounding industrial, office, and residential properties.

- (10) The trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present classification;

The Property has been vacant for years. As noted above, Maryland Department of Transportation has announced a plan to redevelop 26-acres in the neighborhood for both commercial and residential uses. The OIC Zoning District designation will be ideal to promote complimentary uses for the upcoming development.

Rezoning the Property to OIC allows a wider variety of uses, which in turn will help support the upcoming nearby development. This will result in the attraction of both residents and businesses.

- (11) For a rezoning based on a SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD, the following facts establish the substantial change since the time of the last comprehensive rezoning:

While the Reisterstown Station neighborhood has strong industrial roots, in recent years it has grown into a mixed-use area. The Reisterstown Plaza Station transportation hub has fostered the development of office and commercial spaces in the surrounding area and, in September 2019, the Maryland Department of Transportation announced plans to re-develop 26 acres of land within one mile of the Property. Development proposals for the project include elderly housing, retail, and commercial uses, which will transition away from the traditionally industrial character of this area.

The Reisterstown Station neighborhood therefore is no longer a purely industrial area, but has instead evolved into a mixed-use, transit-oriented hub. The neighborhood's changing character is not only evidenced by the fact that the proposed 26-acre

redevelopment does not propose any industrial uses, and also by the fact that the Property has long been vacant—were the industrial characterization still appropriate, the Property would not have stood vacant so long. The proposed OIC zoning classification is a more appropriate transitional zoning classification which will allow for the area to develop in support of the Reisterstown Station transit hub and the upcoming 26-acre redevelopment as displayed in Exhibit A of Caroline Hecker’s written testimony.

The Applicant wishes to re-purpose the vacant structure for use as an adult daycare. While the proposed use is not necessarily relevant to the Committee’s consideration of a proposed rezoning, the proposed use is consistent with the changes that have occurred and are occurring in this area. Our client’s business model is unique in that daycare participants are provided transportation to and from the facility and upon arrival they have access not only to supervised care, but also to various medical professionals including doctors, dentists, and physical therapists. The Applicant seeks to provide a service which will allow elderly clients to maintain independence and stay in their homes. The proposed MDOT development paints a picture of a neighborhood to which an innovative adult daycare facility would contribute mightily.

The Glen Neighborhood Association supports the rezoning.

The property’s location is not like a typical industrial park. It lies between facilities used by two religious organizations and also near a day care center on Reisterstown Road. Seniors in the area need uses that would allow for certain services. It is suggested that zoning for the entire area near the proposed Pimlico race track and MDOT redevelopment project areas be re-reviewed to take into account certain unique characteristics and needs of the area’s population, as well as supporting land uses.

- (12) For a rezoning based on a MISTAKE in the existing zoning classification, the following facts establish that at the time of the last comprehensive zoning the Council failed to consider then existing facts, or projects or trends which were reasonably foreseeable and/or that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect:

SOURCE OF FINDINGS (Check all that apply):

- [X] Planning Report – Planning Commission, Agency Report, Dated April 23, 2021 which includes the Planning Department, Agency Report, Dated October 8, 2020
- [X] Testimony presented at the Committee hearing

Oral – Witness:

- Eric Tiso, Planning Department
- Hilary Ruley, Law Department
- Caroline Hecker, Representative for the Applicant
- Victoria Campbell, Applicant
- Isaac “Yitzzy” Schleifer, Councilmember

Written:

- Planning Commission, Agency Report, Dated April 23, 2021 which includes the Department of Planning, Agency Report – Dated October 8, 2020
- Department of Transportation, Agency Report – Dated June 14, 2021
- Board of Municipal and Zoning Appeals, Agency Report – Dated June 15, 2021
- Law Department, Agency Report – Dated June 10, 2021
- Department of Housing and Community Development, Agency Report – Dated June 3, 2021
- Baltimore Development Corporation, Agency Report – Dated April 27, 2021
- Department of Finance, Agency Report - Dated April 23, 2021
- Caroline Hecker, Memorandum – Dated June 14, 2021

COMMITTEE MEMBERS VOTING IN FAVOR

Sharon Green Middleton, Chair
John Bullock
Mark Conway
Antonio Glover
Odette Ramos
Robert Stokes